

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>Law Office of Roland Kedikian Roland Kedikian CSB# 193164 220 S. Kenwood St. Ste 310 Glendale, CA 91205 Tel: 818 409 8911 Fax: 818 671 3207 Email: roland@kedikian.com</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Laura Karoglanova, AKA Svetlana Pogossova</p>	<p>FOR COURT USE ONLY</p> <div data-bbox="1047 262 1432 535" style="border: 1px solid black; padding: 5px; text-align: center;"><p><b>FILED &amp; ENTERED</b></p><p><b>MAY 31 2017</b></p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY bakchell DEPUTY CLERK</p></div> <p><b>CHANGES MADE BY COURT</b></p>
<p><b><u>NOT FOR PUBLICATION</u></b></p> <p><b>UNITED STATES BANKRUPTCY COURT</b> <b>CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION</b></p>	
<p>In re:</p> <p>Laura Karoglanova, AKA Svetlana Pogossova</p> <p>Debtor(s).</p>	<p>CASE NO.: 2:10-bk-60641-RK CHAPTER: 7</p>
	<p><b>ORDER <input type="checkbox"/> GRANTING <input checked="" type="checkbox"/> DENYING</b> <b>MOTION TO AVOID LIEN UNDER</b> <b>11 U.S.C. § 522(f) (REAL PROPERTY)</b></p> <p><input checked="" type="checkbox"/> No hearing held <input type="checkbox"/> Hearing held Date: Time: Courtroom: Place:</p>
<p><b>Creditor Holding Lien to be Avoided (name):</b> Discover Bank</p>	

The Motion was: ☐ Opposed ☒ Unopposed ☐ Settled by stipulation

Pursuant to 11 U.S.C. § 522(f), Debtor moved to avoid a judicial lien on real property claimed to be exempt. The court finds and orders as follows:

1. ☐ Notice of this Motion complied with LBR 9013-1(d).
2. ☐ Notice of this Motion complied with LBR 9013-1(o).
  - a. ☐ There was no opposition and request for hearing.
  - b. ☐ Hearing requested and held as indicated in the caption.

3. The real property to which this order applies is as follows:
- Street address (*specify*): 512 N. Isabel St. #C, Glendale, CA 91206-3332
  - Legal description (*specify*):  
PARCEL 1: AN UNDIVIDED 1/8<sup>TH</sup> INTEREST IN AND TO LOT 1 OF TRACT NO. 47623, IN THE CITY OF GLENDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1177, PAGES 15 AND 16, RECORDS OF SAID COUNTY. EXCEPT THEREFORM UNITS 1 THROUGH 8 INCLUSIVE AS DEFINED AND DELINEATED ON A CONDOMINIUM PLAN RECORDED AUGUST 9, 1991 AS INSTRUMENT NO 91-1253100 OFFICIAL RECORDS. PARCEL 2: UNIT 3 AS DEFINED AND DELINEATED ON THE ABOVE REFERENCED CONDOMINIUM PLAN.  
☐ See attached page
4. Recording information regarding lien to be avoided:
- Date of recordation of lien (*specify*): 03/24/2010
  - Recorder's instrument number or map/book/page number (*specify*): 20100403218
5. ☐ Motion granted:
- ☒ The judicial lien sought to be avoided impairs an exemption to which Debtor would otherwise be entitled under 11 U.S.C. § 522(d)
  - ☐ The judicial lien is void and unenforceable:
    - ☐ In its entirety
    - ☐ In the following amount *only*: \$ \_\_\_\_\_. The balance of \$ \_\_\_\_\_ remains a valid and enforceable lien against the property.
6. ☐ Motion denied on the following grounds: ☐ with prejudice ☒ without prejudice
- ☒ Insufficient notice. **See below**
  - ☐ Insufficient evidence of the exempt status of the property in question
  - ☒ Failure to comply with FRBP 7004(b)(3) or FRBP 7004(h). **Movant served "Discover Card" and "Discover Financial Services," rather than "Discover Bank," the judgment creditor and lienholder entity that is listed on the abstract of judgment. Therefore, as to the subject lienholder, Discover Bank, Movant has failed to properly serve this lienholder with the motion and notice as required by Local Bankruptcy Rule 9013-1(o) and 4003-2(c)(2), and Federal Rule of Bankruptcy Procedure 7004(h), which requires Movant to serve an insured depository institution, such as Discover Bank, "by certified mail addressed to an office of the institution." None of the addresses at which Movant served the above-mentioned lienholder is a valid address according to the Federal Deposit Insurance Corporation's "BankFind" feature, available at <https://research.fdic.gov/bankfind>. Specifically, for the subject lienholder, Discover Bank, Movant must serve it by certified mail at a publicly recognized address such as on the FDIC BankFind website in order to comply with these rules. Service on Discover Bank's state court counsel is inadequate service of process without proof that state court counsel is authorized to accept service of process in this bankruptcy case. *In re Villar*, 317 B.R. 88, 92-95 (9<sup>th</sup> Cir. BAP 2004).**
  - ☐ Insufficient evidence of fair market value.
  - ☐ Motion is incomplete.
  - ☒ Other (*specify*): **Movant has failed to submit admissible and credible evidence establishing some of the unavowed liens on the subject property, namely, the Chase liens secured by trust deeds. For evidence of these liens, Movant only relies upon account statements, inadmissible under Fed. R. Evid. 901 for lack of authentication, inadmissible under Fed. R. Evid. 802 as hearsay and inadmissible under Fed R. Evid. 602 for lack of personal knowledge. Movant must provide**

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

**admissible and competent evidence of the existence of these unavowed liens, such as properly authenticated copies of the trust deeds with recordation data.**

7. ☒ The court further orders as follows (*specify*): **The court grants leave to Movant to file an amended motion which corrects these deficiencies within 60 days of entry of this order.**

☐ See attached page

###

Date: May 31, 2017



Robert Kwan  
United States Bankruptcy Judge